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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

Written statement* submitted by Permanent Assembly for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 November 2001]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Situation of Woman's Human Rights.

In 1985, Argentine's government ratified the Convention on the Elimination of all Forms of Woman Discrimination. Since then, several laws appointed to solve this problems have been approved. In the legal aspect, women's human rights have evolved significantly.

During the last two years there have been some forward and backward motions. In several provinces (states) family violence laws have been dictated. There have also been dictated some Reproductive Health Laws, the last one was in the Province of Buenos Aires, following the lineaments of the City of Buenos Aires laws.

About civic rights, it was dictated the Decree 1.246/2.000 which regulates the Law 24.012 (Ley de Cupos). This decree settles forever the interpretation about female candidate's location in the electoral list.

On the other hand, the registration of those fathers who don't pay on time the correspondent nourish assignments for their children is starting to be applied in the City of Buenos Aires as so in other provinces and townships.

However, effective and competent procedures able to guarantee the practice and benefit of these rights, haven't been established yet. Those advances don't coincide with the countries' general conditions in which the legal system is about to collapse, and there for it can't successfully apply any of it's own regulations. On the other hand, the lack of efficient and constant political campaigns appointed to defend the legislation that protects women generates ignorance on this subject, not only among women but also among the public officials responsible of it's application.

Yet it is waiting a Reproductive Health National Law and a Law Against Sexual Abuse at Work that contain the private activity, since they rule only in the Federal Government, in the City of Buenos Aires and in the Province of Buenos Aires.

It is also important to notice the necessity to assign enough budgetary consignment to the programs that promote truthful equal opportunities to fast legal organizations and to create enough quantity of Shelter Houses for women who are victims of violence.

Violence against women, in or out of the family, is an example of unequal power between the different sexual genders and it's a problem that concerns a grate number of women in our country. Being a beaten woman isn't opposed to the cultural and occupational status of a woman. It has to do with a woman's feeling of low esteem and with the stereotypes of submission to the male authority, strongly settled in our society.

We know that the 30 % of women who are victims of homicide are killed by their partners. According to the 1999's UNICEF report, in Argentina the 82 % of sexual abuse against children is perpetrated by their close relatives. Because of the seriousness of this problem the Family Violence National Law was dictated in 1995. This law may represent a step forward but it only establishes specific procedure rules for a local area. Afterwards, ten other provinces dictated laws following it, but with some differences among the contents on each jurisdiction.

It's also important to notice that since it's application, this law has been useful in order to observe the deficiencies of the courts of justice, which are overwhelmed by the demands of legal services. After this experience, it becomes necessary to establish a new law applicable to the whole country, which would include sanctions in case of nonfulfillment of the preventive rules and some other modifications which would help to identify the problem and to establish the terms for it's solution.

Furthermore, it is necessary to understand that everything does not finish in the legal scope. In most of the cases women have had to leave their home with small children and without resources, this requires the attention of interdisciplinary equipment able to offer sociological and social attention to them, in

shelter-homes. This necessity barely is taken care of by the State. Another key aspect to measure the degree of discrimination of the women is the labor situation.

The women represent around 40% of the labor force in Argentina, but they gain a 26.5% less than the men. More than half of them have non registered employments, without social assignments or pension contributions . The feminine presence is almost excluding in the domestic or housekeeping service and they are very important in the education field where 80% are women. At this moment Argentina, due to the years of recession, crosses a situation of poverty and unemployment. At the same time it has increased the number of homes headed by a woman. The last year it reached to 30% of the total of families, with the characteristic that increases in the sectors of lower income. In Gran Buenos Aires 53.6% of the children below 14 years old live in poor homes and it calculates that 50% of these homes are in charge of the mothers.

The Contract Law of Employment has as a principle the equality of wages between men and women, nevertheless to greater qualification (tertiary or university studies) the breach is accentuated, in these positions women receive salaries which are 35 % lower than men's on the same position. For a significant group of women its educative level is not translated in corresponding labor insertions, for that reason most women work on inferior tasks to the reached educative level.

In our country there are two laws sanctioned in the decade of the 70'. One of them orders the State to construct kindergartens in each district, and the other one delegates that responsibility to the private companies. However, none of them entered use. Present data provided by the Labor Ministry confirm that, on a total of 1000 collective agreements of work, only 20 of them include clauses related to day-care centers or maternal rooms.

Most women in addition to their remunerated jobs do the housekeeping, take care of the children, the ill people and the old people. The accumulation of tasks requires 12 to 24 hours per day, with risk of their physical and psychic health. Another serious problem in Argentina is the lack of serious campaigns of sexual education. Every time increases the number of young mothers and diminishes the average age of women who give birth.

The unwished pregnancy most frequently takes place in the lower layers with limited economic resources and little information. The clandestine abortion is one of the main causes of death among women in age to procreate. The legislation should explicitly allow sexual education for the minor ones, since at this moment the young people begin very early their sexual life.

The House of Representatives of the Nation (Chamber of Deputies) has sanctioned twice, in different periods, law projects on Reproductive Health. In both opportunities they were not treated by the Senate. Some states have legislated on the subject, but it is necessary a national law that contemplates all the aspects of the reproductive health, information and provisions of birth control methods.

In Argentina, Law 23,789/91 of Fight Against the AIDS establishes that such action is of national interest and that the authority responsible for it's application is the National Ministry of Health.

One of the negative characteristics of the governmental action is based on the instability of the technical equipment at central level whose changes, correspond, almost always, to political determinants. Thus, from the beginning of the epidemic they have begun and interrupted four massive means campaigns, for those reasons. Even though the first one was awarded for defending the human rights. The present one began in the current year. On the other hand and in spite of the sanction of Law 24455/95 on Social Security Cover still today the necessity is frequent to resort to justice to obtain its fulfillment. In addition, with the permanent adjustments of the national budget, the civil employees have justified in the saving the purchase of medicines (or its division) and preservatives, sometimes of questioned quality.

In Argentina, the proportion man/woman of AIDS patients has become stabilized in 3:1, in the last years. Nevertheless, it continues to increase the number of women who live with HIV/AIDS. The heterosexual relations without protection are still the most frequent way of transmission. 63% of the

women become infected by this channel. According to the Official Report on AIDS, the women they become ill in ages younger than the men (24 and 28 years respectively). From 1982 to 2000 there were registered, in all the country, 3,526 cases of AIDS in women and 14,215 in men. The rate of children below 13 years old infected with AIDS (6,9) is one of the highest of Latin America, altogether 1.317 cases.